

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

RITLABS, S.R.L.,

Plaintiff/Counter-Defendant,

v.

RITLABS, INC., and SERGHEI DEMCENKO,

Defendants/Counter-Claimants.

Case No.: 1:12CV215 AJT/IDD

Hon. Anthony J. Trenga

**MOTION TO STRIKE PLAINTIFF'S SECOND MOTION FOR SUMMARY  
JUDGMENT AND FOR SANCTIONS**

NOW COMES Defendants Ritlabs, Inc. and Sergei Demcenko, by and through their attorney, and submit this Motion to Strike Plaintiff's Second Motion for Summary Judgment and For Sanctions. As supported by Defendants' memorandum in support of this motion, Defendants hereby move to strike Defendants' second motion and for sanctions in light of the following facts:

1. On June 28, 2012, Plaintiff filed two motions for summary judgment in this proceeding: (1) Plaintiff's Motion for Summary Judgment as to Plaintiff's Claim (hereinafter "First Motion") and (2) Plaintiff's Motion for Summary Judgment as to Defendants' Claims (hereinafter "Second Motion").

2. The memorandum in support of Plaintiff's First Motion is thirty (30) pages long, the maximum number of pages permitted under the Local Rules for the United States District Court Eastern District of Virginia (hereinafter "Local Rules").
3. The memorandum supporting Plaintiff's Second Motion is twenty-five (25) pages long.
4. The Court did not grant Plaintiff leave to file two summary judgment motions in this proceeding.

By filing two summary judgment motions, Plaintiff violated Local Rule 56(c). Plaintiff did so in a blatant attempt to circumvent the Court's thirty (30) page limit on briefs in support of motions filed before this Court. Accordingly, Defendants moves this court strike to Plaintiff's Second Motion for Summary Judgment as to Defendants' Claims and to grant attorneys' fees to Defendants.

Respectfully submitted,

Dated: June 29, 2012

By: /s/  
Kevin R. Garden  
Virginia Bar No. 30244  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 29th day of June, 2012, I will electronically file the foregoing **MOTION TO STRIKE PLAINTIFF'S SECOND MOTION FOR SUMMARY JUDGMENT AND FOR SANCTIONS** with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

**John Andrew Baxter  
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\_\_\_\_\_/s/\_\_\_\_\_  
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